

CHAPTER 3. - LIQUOR CONTROL

Section 12-3-1. - General.

- A. Definitions. As used in this chapter the following definitions shall apply unless the context clearly indicates otherwise:

BIA means the Bureau of Indian Affairs, Department of the Interior.

Council means the Pueblo Council.

Governor means the Governor of the Pueblo of Laguna in accordance with Section 1 of Article VI of the Constitution of the Pueblo of Laguna.

Liquor includes the four (4) varieties of liquor commonly referred to as alcohol, spirits, wine and beer, and all fermented, spiritous, vinous, or malt liquor, or combinations thereof, and mixed liquor, a part of which is fermented, spiritous, vinous or malt liquor, or otherwise intoxicating. Every liquid or solid or semisolid or other substance, patented or not, containing alcohol, spirits, wine or beer.

Minor means any person under the age of twenty-one (21) years of age.

Package means any container or receptacle used for holding liquor.

Person means an individual, whether a member or nonmember of the Pueblo, corporation, firm, partnership, co-partnership, association, enterprise or other legal entity.

Public place includes streets and plazas of Pueblo villages; state, county, Pueblo or federal highways or roads; stores and shopping centers and grounds thereof; government buildings; public buildings; schools; churches; public meeting halls, lobbies and halls of offices, restaurants, theaters, stores, garages, and service stations which are open to and generally used by the public, and grounds thereof; open spaces of the Reservation except for private land, yards, allotments, and land assignments; buses, including school buses, and other public conveyances of all kinds and character, and the depots and waiting rooms used in conjunction therewith; publicly or school-owned parks and/or playgrounds, and all other places of the like or similar nature which are generally used by the public or public schools.

Pueblo means the Pueblo of Laguna.

Pueblo Court means the Pueblo of Laguna Court.

Purchase includes the exchange, barter, traffic, receipt with or without consideration by any means whatsoever, of liquor as defined herein, by any person.

Reservation means all lands subject to the jurisdiction of the Pueblo, including all land held by the United States in trust for Laguna Pueblo and all lands within the exterior boundaries of the Reservation or Pueblo grant, regardless of whether the lands are owned in fee, held in trust by the United States for the Pueblo, or otherwise held.

Sale includes the exchange, barter, traffic, donation with or without consideration, in addition to the selling, supplying or distributing, by any means whatsoever, of liquor, as defined herein, by any person to any person.

- B. Relation to other Pueblo laws. No Pueblo business licensing law or other Pueblo law shall be applied in a manner inconsistent with the provisions of this chapter.
- C. Prohibition. The introduction, wholesale purchase, sale and dealing in liquor, other than by the Pueblo or an enterprise of the Pueblo or corporation the majority stock ownership of which is held by the Pueblo which is properly authorized by the Pueblo to deal in liquor sales is prohibited within the Laguna Indian Reservation. Possession of liquor by any person now prohibited by federal law shall be lawful so long as possession is in conformity with this chapter. Federal Indian Liquor Laws (18 U.S.C. § 1161

and § 1154) shall remain applicable to any act or transaction which is not authorized by this chapter and violators of this chapter shall be subject to federal prosecution as well as to legal action in accordance with Pueblo law.

D. Conformity with state law. Pueblo standards for liquor transactions shall meet or exceed those required by the State of New Mexico.

E. Sales.

- (1) Sales only by the Pueblo. No introduction, wholesale purchase or sale of liquor shall be made within the exterior boundaries of the Reservation except by the Pueblo, or by an enterprise of the Pueblo or by a corporation the majority stock of which is held by the Pueblo, authorized to make such wholesale purchase or sale of liquor. Authorization to engage in the wholesale purchase, sale or distribution of liquor shall be made to a qualified entity by resolution of the Pueblo Council.
- (2) All sales for personal use. All sales shall be for the personal use of the purchaser and resale for profit of any liquor whether in the original container or not, shall be a violation of this chapter and the violator shall be subject to the penalties described herein. Provided, however, that a Pueblo enterprise authorized to purchase and sell liquor may sell or make arrangements to sell liquor at special events so long as such sale is authorized by the Pueblo Council separately for each event.
- (3) Authorized sales. Liquor may be sold in package or by the drink for consumption on the premises as determined in the sole discretion of the Pueblo Council. The license or permit issued shall state whether the license or permit authorizes package sales and/or liquor by the drink sales and if the permit authorizes by the drink whether or not the license is limited to a particular type or types of liquor.
- (4) No sale to minors. No sale of any liquor shall be made to any person under the age of twenty-one (21) years of age.
- (5) Sunday and election day sales. Sale of liquor may be allowed on Sunday or any Pueblo, state or federal election day to the same extent authorized by the State of New Mexico. No sales should be allowed on any day or any time determined by the Pueblo Council that liquor sales shall be prohibited.
- (6) Prohibition of sales during emergency. The Governor may, on an emergency basis and for a period of time not to exceed five (5) business days, by written order, prohibit the sale of liquor until such emergency order can be considered by the Pueblo Council which may, in its discretion, extend such emergency order for any length of time it determines necessary, or may issue emergency rules, regulations, directions or orders concerning such introduction, possession, sale or purchase of liquor within the Reservation boundaries.
- (7) Hours of sale. No sale of liquor shall be made except during the hours allowed by state law.
- (8) Location of sales. An entity authorized to sell liquor shall do so only at those locations authorized by the Pueblo Council.
- (9) Sales to be made by adults. All handling, stocking, possession or sale of liquor pursuant to this chapter shall be made by persons twenty-one (21) years of age or older.
- (10) Evidence of age and identity. Evidence of age and identity of the purchaser must be shown by a current and valid state driver's license which contains the signature, birth date and picture of the holder of the license.
- (11) Demand for identification. Any person, business, organization, or other legal entity authorized to sell liquor within the Reservation by Resolution of the Pueblo Council shall have the authority to demand of any person the production of proper evidence of age and identity before making any sales of liquor to such person, if there exists some doubt as to the age of the person.
- (12) Right to refuse sale. Any person, business, organization, or other legal entity authorized to sell liquor within the Reservation shall have the authority to refuse to sell liquor to any person who is unable to produce proper evidence of age and identity as prescribed by subsection 12-3-1E.(10)

of this chapter, as evidence that such person is twenty-one (21) years of age or older; and shall have the authority to refuse to sell liquor to any person who the seller believes is under the influence of alcohol.

- F. Pueblo property. The entire stock of liquor referred to under this chapter shall remain the property of the Pueblo or authorized entity until sold.
- G. All sales cash. Sales by a Pueblo enterprise as defined herein shall be by cash, check or credit card only and no credit otherwise shall be extended to any person, organization or entity.
- H. Illegal activities.
 - (1) Purchase from or sale to unauthorized person. It shall be a violation of this chapter for any person within the boundaries of the Reservation to buy liquor from or sell liquor for resale to any person other than a properly authorized Pueblo business enterprise.
 - (2) Sale to minors. Any person who shall sell, serve or provide any liquor to any minor person shall be in violation of this chapter.
 - (3) Purchase by minor. Any minor person who shall purchase, attempt to purchase or possess any liquor shall be in violation of this chapter.
 - (4) Sale to person apparently intoxicated. Any person who knowingly sells liquor to a person who the seller has reason to believe is under the influence of alcohol or any person under the influence of alcohol who shall purchase liquor shall be in violation of this chapter.
 - (5) Drinking in public places. Any person who shall drink any liquor in a public place shall be in violation of this chapter unless the Council has authorized consumption of liquor at such location.
 - (6) Open containers prohibited. Any person who shall have an open container of liquor in a public place except for public places where liquor consumption has been authorized by the Council; or who has possession of an open container of liquor in or on a vehicle, or who as a driver knowingly permits an open container of liquor in or on a vehicle, unless said vehicle is not in a public place or location where liquor consumption has been authorized by the Council, shall be in violation of this chapter.
 - (7) Proof of unlawful sale. In proceeding under this chapter, proof of one (1) unlawful sale of liquor shall suffice to establish prima facie the intent or purpose of unlawfully keeping liquor for sale or selling for resale in violation of this chapter.
 - (8) Use of false or altered identification. Any person who attempts to purchase liquor through the use of false or altered identification which falsely purports to show the individual to be over the age of twenty-one (21) shall be in violation of this chapter.
 - (9) Defense to action for sale to minors. It shall be a defense to an alleged violation of this chapter for selling liquor to a minor person if such purchaser has presented identification in accordance with this chapter showing the purchaser's age to be over twenty-one (21) years. In addition to the presentation of identification by the purchaser in accordance with this chapter, such as a driver's license, the person selling, if still in question of the purchaser's age, may require the purchaser to print his or her name on a file card, sign and date the card. Such card shall be filed alphabetically in a file box and be subject to examination by the members of the board of the enterprise authorized to sell liquor or their delegates, or by any BIA or Pueblo Law Enforcement Officer, any designated employee of the Pueblo, employees of the Pueblo enterprise authorized to sell liquor, and by the Governor of the Pueblo or his delegate. Such card in the possession of the Pueblo business enterprise authorized to sell liquor may be offered as a defense in any hearing held by the Pueblo Court for sale to the person who signed the card and may be considered by the court as evidence that the Pueblo business enterprise and its employees acted in good faith.
- I. Excise tax levy.

- (1) Excise tax levied. There is hereby levied and shall be collected an excise tax upon each sale of liquor in whatever package or container in the amount of five (5) percent of the selling price. Said excise tax shall be added to the sales price of the liquor sold and shall be paid by the buyer to the business enterprise selling liquor which shall collect the same and hold such amounts for the Pueblo until deposited as provided for in this chapter.
 - (2) Deposits. The taxes collected shall be submitted at least monthly to the Treasurer of the Pueblo who shall upon receipt deposit the same to a special account or fund of the Pueblo. The transfer shall report said tax collections, expenditures and the status of such special account or fund to the Governor and Pueblo Council at least quarterly.
 - (3) Use of revenues. Tax revenues shall be used for the benefit of the Reservation and Pueblo community. In appropriating these tax revenues, the Council shall give priority to:
 - (a) Strengthening Pueblo Government, which shall include, but not be limited to, strengthening the Pueblo Justice System enforcing this chapter.
 - (b) Health, education and other social services programs.
 - (c) Alcohol and drug abuse prevention activities and community services which relate specifically to the needs of the Pueblo.
 - (d) The Pueblo Council shall in its discretion determine which of the above priorities shall receive an appropriation and the amount of such appropriation.
 - (4) Modification of tax. The amount and type of taxes levied by this section may be modified from time to time by Resolution of the Pueblo Council with or without notice or public hearing.
- J. Sovereign immunity preserved. Nothing in this chapter is intended or shall be construed as a waiver of the sovereign immunity of the Pueblo. No officer, manager or employee of an enterprise of the Pueblo shall be authorized, nor shall he attempt to waive the sovereign immunity of the Pueblo.
- K. Penalty. Any person, or entity purchasing, possessing, selling, bartering, or manufacturing liquor products in violation of any part of this chapter, rule or regulation adopted pursuant to this chapter shall be subject to a civil fine or not more than five hundred dollars (\$500.00) for each violation. In addition, persons or entities subject to criminal prosecution by the Pueblo who purchase, possess, sell, barter, or manufacture liquor products in violation of any part of this chapter, or any rule and regulation adopted thereunder, shall be subject to punishment not to exceed six (6) months imprisonment or to a fine not to exceed five hundred dollars (\$500.00) or to both such improvement and fine or as otherwise provided in the Pueblo Code. All contraband merchandise shall be confiscated by the Pueblo and disposed of as directed by the Pueblo Court.
- L. Disclaimer. Nothing in this chapter shall be construed to authorize or require the criminal trial and punishment of non-Indians except to the extent allowed by any applicable present or future Act of Congress or any applicable federal court decision.
- M. Regulations. The Council shall have the authority to adopt and enforce rules and regulations to implement this chapter and to further the purposes thereof.
- N. Amendment. This chapter may be amended by majority vote of the Pueblo Council subject to approval by the Secretary of Interior, if required, except for the modifications allowed by resolution in subsection 12-3-11.(4), which shall not be subject to Secretarial approval.

Section 12-3-2. - Rules and regulations.

- A. Objective. These regulations set forth general requirements for the implementation of section 12-3-1.
- B. Definitions. The definitions of terms set forth in this chapter apply in these regulations, except when the context clearly indicates a different meaning. When used in these regulations, the term:

Governor means the duly elected Governor of the Pueblo of Laguna.

Hearing officer means an individual authorized by the Pueblo Council to conduct disciplinary hearings under these regulations.

Liquor retailer license means a license issued by the Pueblo Secretary to a retailer to purchase liquor from a licensed New Mexico wholesaler and to sell liquor for resale by the package or by the drink to customers within the Reservation.

Liquor wholesaler license means a license issued by the Pueblo Secretary to a New Mexico wholesaler to import, sell, and distribute liquor to a licensed retailer within the Reservation.

Moral turpitude means an act of baseness, vileness, or depravity in the private and social duties that a person owes to another person or to society in general which is contrary to the accepted and customary rule of right and duty between person and person, including, but not limited to, embezzlement, murder, sex crimes, conspiracy to commit a crime, defrauding the government and illegal drug sales.

New Mexico wholesaler means a person holding a valid wholesaler's license issued by the state pursuant to the New Mexico Liquor Control Act.

Pueblo Council means the Governing Body of the Pueblo of Laguna.

Pueblo Secretary means the duly elected Secretary of the Pueblo of Laguna or his or her designee.

Retailer means a wholly owned enterprise or corporation of the Pueblo.

Server permit means a permit issued by the state to a person to be employed or engaged to sell serve, or dispense liquor.

Special event means a public celebration or event within the Reservation.

State means the Alcohol and Gaming Division of the New Mexico Licensing and Regulation Department.

C. Revocable privilege.

- (1) Any license issued by the Pueblo Secretary is a revocable privilege, and no person holding a license shall be deemed to have acquired any vested property rights in or under the license.
- (2) The applicant, at all times, bears the burden of proving its qualification to hold a license. An applicant accepts any and all risk of adverse public notice, embarrassment, criticism, or other action or financial loss that may result from the application process, and the applicant expressly waives any and all claims for damages as a result thereof.
- (3) An application for a license constitutes a request to the Pueblo Secretary for a decision on the applicant's general suitability, character, integrity, and ability to import, sell, dispense, or distribute liquor within the Reservation. By filing an application with the Pueblo Secretary, the applicant specifically consents to the making of that decision by the Pueblo Secretary and to the jurisdiction of the Pueblo.

D. Minors. A minor may not sell, serve, dispense or handle any liquor within the Reservation.

E. Server permit.

- (1) Every person directly involved in selling, dispensing, or serving liquor on the Reservation shall have a valid server permit in possession when engaged in such activity.
- (2) A license retailer shall not employ or engage any person to sell, dispense or serve liquor on the Reservation unless that person holds a valid server permit.

F. Preemption. The licensing of any person under this chapter shall be governed exclusively by this chapter and these regulations. Any person issued a license by the Pueblo Secretary under this chapter and regulations shall not be subject to or bound by any conflicting or additional requirements imposed by any board, commission, or other agency of the Pueblo.

- G. Notice. Notice or service of any document required under these regulations shall be satisfied by personal service or by certified or regular mail to the last known address of the respondent. All documents served on or filed with the Pueblo Secretary shall be addressed to Pueblo of Laguna c/o Pueblo Secretary, P.O. Box 194, Laguna Pueblo, New Mexico 87026.

Section 12-3-3. - Authority of the Pueblo Secretary.

- A. Objective. This regulation sets forth the authority of the Pueblo Secretary to administer this chapter.
- B. Authority.
 - (1) Until such time a taxation and licensing department is established by the Pueblo, the Pueblo Council delegates exclusive authority to the Pueblo Secretary over all matters relating to:
 - (a) The issuance, denial, suspension, and revocation of licenses under this chapter;
 - (b) The investigation and enforcement activities, including imposing penalties, imposing and collecting fines and issuing notices of violation, required under this chapter and the regulations; and
 - (c) The regulation of liquor and administration of this chapter.
 - (2) The Pueblo Secretary may conduct a background investigation of a New Mexico wholesaler when necessary to protect the public health, safety and morals of the Reservation.
 - (3) The Pueblo Secretary may recommend regulations implementing this chapter for approval by the Pueblo Council.
- C. Subpoenas. The Pueblo Secretary may require by subpoena the production of relevant records, books, information, evidence or other documents and the presence and testimony of any person relating to any matter under consideration or investigation. An applicant and licensee shall comply with any subpoena issued by the Pueblo Secretary. If an applicant or licensee, or any employee or principal of an applicant or licensee, refuses or fails to comply with a request or subpoena, then that person's license or application may be suspended, revoked, or denied, based solely upon such failure or refusal.
- D. Decisions of the Pueblo Secretary. Any decision of the Pueblo Secretary to issue, deny, suspend and revoke a license under this chapter or to enforce this chapter and regulations may be appealed pursuant to section 12-3-6.
- E. Annual report. The Pueblo Secretary shall provide to the Pueblo Council an annual report of all its activities for the preceding year.

Section 12-3-4. - Liquor wholesalers.

- A. Objective. This regulation governs the issuance and renewal of liquor wholesaler licenses to New Mexico wholesalers to sell and distribute liquor within the Reservation.
- B. License.
 - (1) A liquor wholesaler license issued by the Pueblo Secretary entitles a New Mexico wholesaler to import, sell and distribute liquor directly to a licensed retailer within the Reservation.
 - (2) All liquor wholesaler licenses shall have a term of one (1) year beginning on September 1 and expiring on August 31 of each year.
- C. Application and renewal requirements.
 - (1) A New Mexico wholesaler seeking a liquor wholesaler license shall submit a written application and the following to the Pueblo Secretary:
 - (a) A copy of its current wholesaler's license issued by the state under the New Mexico Liquor Control Act;

- (b) A certificate of good standing issued by the state, showing, as of the date of the application for license, that the New Mexico wholesaler is in compliance with the New Mexico Liquor Control Act;
 - (c) A nonrefundable application fee of fifty dollars (\$50.00);
 - (d) An initial license fee of two thousand five hundred dollars (\$2,500.00), or, if the New Mexico wholesaler is renewing its liquor wholesaler license, a renewal license fee of one thousand two hundred fifty dollars (\$1,250.00); and
 - (e) A certificate of public liability insurance.
- (2) A New Mexico wholesaler seeking to renew its liquor wholesale license shall file its license renewal application on or before July 15 of each year. The Pueblo Secretary shall process all renewal applications by no later than August 15 of each year.
- (3) The Pueblo Secretary may prorate the initial license fee if the New Mexico wholesaler is issued a liquor wholesaler license for less than one (1) year.
- D. Qualifications.
- (1) The Pueblo Secretary may not issue a liquor wholesaler license to a New Mexico wholesaler who:
- (a) Has been convicted of a felony under any federal or state law;
 - (b) Does not possess a current wholesalers license issued by the state;
 - (c) Has been convicted of a crime of moral turpitude; or
 - (d) Has violated any federal, state, local, or Pueblo liquor law, chapter or regulation.
- (2) Before a liquor wholesaler license may be granted to, or renewed by, a New Mexico wholesaler, the Pueblo Secretary shall determine that the New Mexico wholesaler has complied with all the qualifications and requirements for making an application or renewal application for license under this chapter and these regulations. The Pueblo Secretary may consider any other reasonable factors and circumstances he or she deems to be necessary.
- E. Background investigation. Except as provided in these regulations, a New Mexico wholesaler holding a current wholesaler's license issued by the state shall not be subject to a background investigation by the Pueblo Secretary.
- F. Operational restrictions.
- (1) A New Mexico wholesaler issued a liquor wholesaler license, and its employees and management personnel, shall:
- (a) Not import, sell or distribute any liquor manufactured by any person who is not licensed by the state;
 - (b) Not import, sell or distribute liquor to any person within the Reservation except a licensed retailer;
 - (c) Not import, sell or distribute any liquor within the Reservation that is prohibited by the state;
 - (d) Immediately notify the Pueblo Secretary of any change in its status as a New Mexico wholesaler or any actions taken by the state affecting its wholesaler's license issued by the state; and
 - (e) Immediately suspend its operations within the Reservation until the Pueblo Secretary issues a renewed liquor wholesaler license.
- (2) The failure to comply with this chapter and the regulations may result disciplinary action against the licensee and individual employees or management personnel of the licensee.

Section 12-3-5. - Special event permits.

- A. Objective. This regulation sets forth the requirements for permits to sell liquor by the drink at a special event within the Reservation.
- B. Permit.
 - (1) The Pueblo Secretary may issue a special event permit only to a licensed retailer.
 - (2) The special event permit entitles a licensed retailer to store, sell and serve liquor by the drink for a period not to exceed four (4) consecutive days at a special event.
 - (3) The licensed retailer shall display a copy of the special event permit at the location where liquor by the drink is being served.
- C. Application requirements.
 - (1) A licensed retailer seeking a special event permit shall submit a written application and the following to the Pueblo Secretary:
 - (a) The times, dates, location, estimated attendance, security to be provided, and purpose of the special event; and
 - (b) A drawing showing the location in which liquor will be stored, the location where liquor will be sold or served and the location where liquor will be consumed.
- D. Notice to Pueblo Law Enforcement. Upon approval of a special event permit, the Pueblo Secretary shall send a copy of the approved application and the special event permit to Pueblo Law Enforcement before the special event.
- E. Special operating requirements.
 - (1) The following special operating requirements apply to a special event permit:
 - (a) All individuals involved in storing, selling or serving liquor at a special event shall do so under the supervision and direction of the licensed retailer.
 - (b) All individuals involved in selling or serving liquor at the special event may not, while on duty, consume liquor or be intoxicated.
 - (c) The attendees at the special event may not bring any liquor into the special event.
 - (d) Liquor purchased for the special event may not be stored, sold, served or consumed in any location other than the locations specified in the application and the special event permit.
 - (e) Liquor may not be sold, served or otherwise furnished at a special event to any:
 - (i) Minor; or
 - (ii) Person actually, apparently, or obviously intoxicated.
 - (f) The licensed retailer shall not advertise or offer free liquor in connection with a special event.
 - (g) The licensed retailer shall not permit an attendee at a special event to carry an open container of any liquor from the premises.
 - (h) Every person employed or engaged to sell, serve or dispense liquor holds a valid server permit.
- F. Records. The licensed retailer shall maintain records showing the amount of taxes due to the Pueblo and the revenue from sale of liquor by the drink at the special event.

Section 12-3-6. - Disciplinary proceedings.

- A. Objective. This rule sets forth the penalties that may be imposed by the Pueblo Secretary and the procedure for disciplinary proceedings under the jurisdiction of the hearing officer.
- B. Penalties.

- (1) The Pueblo Secretary may impose any of the following penalties for a violation of this chapter or the regulations:
 - (a) A letter of reprimand;
 - (b) The suspension of a license for up to six (6) months;
 - (c) The revocation of a license;
 - (d) Imposition of a monetary fine, not to exceed one thousand dollars (\$1,000.00) per violation; and
 - (e) An order prohibiting an officer, employee or agent of a licensee in course of employment with a licensee from wholesaling, serving, selling, distributing, warehousing, manufacturing or handling liquor within the Reservation.
 - (2) Any action by the state suspending or revoking the license of any New Mexico wholesaler also holding a liquor wholesaler license, shall automatically result in the immediate suspension or revocation of the liquor wholesaler license. In such case, the New Mexico wholesaler may apply for reinstatement of its liquor wholesaler license when the state lifts the suspension or revocation of its New Mexico wholesaler's license.
- C. Consent to jurisdiction. The submission of an application for license, acceptance of a license, or renewal of a license by the licensee constitutes an agreement on the part of the licensee to: (i) be bound by all laws and regulations of the Pueblo; and (ii) the jurisdiction of the Pueblo.
- D. Hearing officer.
- (1) A hearing officer must possess a law degree from an accredited law school within the United States and be experienced in federal Indian law, including liquor regulations.
 - (2) The Governor shall recommend appointment of a hearing officer subject to the consent of the Pueblo Council.
- E. Disciplinary proceedings.
- (1) The Pueblo Secretary shall initiate disciplinary proceedings by issuing a notice of violation to the licensee, which shall set forth:
 - (a) The alleged violation of this chapter or the regulations, together with sufficient facts to put the licensee on notice of the alleged violation;
 - (b) The penalty; and
 - (c) A statement that the licensee may appeal the notice of violation by filing a written request for an informal hearing and a copy of the notice of violation with the hearing officer at the following address within ten (10) business days of receiving the notice of violation: Office of the Governor, P.O. Box 194, Laguna, New Mexico 87026.
 - (2) Within a reasonable time after receiving a request for informal hearing, the hearing officer shall notify the licensee and the Pueblo Secretary in writing of the date, time and place of the informal hearing at least thirty (30) days before the informal hearing. The failure of the licensee to appear at the informal hearing shall be grounds for default and shall waive both the right to contest the allegations and the right to the informal hearing.
 - (3) At any time before the informal hearing, the hearing officer may hold a settlement conference with the Pueblo Secretary and the licensee to encourage resolution of any matter raised in the notice of violation.
 - (4) Formal rules of evidence shall not apply in any informal hearing; however, the hearing officer may exclude evidence that is irrelevant, immaterial, or repetitious, but may not exclude evidence solely because it is hearsay.
 - (5) Discovery is prohibited.

- (6) Unless otherwise directed by the hearing officer, the order of procedure and presentation of the evidence shall be as follows: (a) Pueblo Secretary; (b) licensee; and (c) rebuttal by the Pueblo Secretary. The hearing officer may set reasonable time limits for the presentation of the evidence.
 - (7) The hearing officer may permit the licensee and the Pueblo Secretary to make oral arguments or submit briefs or both based on a schedule set by the hearing officer.
 - (8) The hearing officer shall not set aside a notice of violation unless it finds the Pueblo Secretary's action to have been arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with the law.
 - (9) Within a reasonable time after the informal hearing, the hearing officer shall issue a written order to both the licensee and the Pueblo Secretary that includes the following:
 - (a) The decision;
 - (b) Findings of fact;
 - (c) The reasons for the decision; and
 - (d) Conclusions of law.
- F. Effect of hearing officer's decision. The decision of the hearing officer is final and is not subject to further appeal.
- G. Report. The hearing officer shall provide a copy of all final decisions adverse to a New Mexico wholesaler to the state.

Section 12-3-7. - Forms.

- A. Objective. This regulation sets forth the various forms to be used by the Pueblo Secretary.
- B. Forms. The Pueblo Secretary shall prepare all forms required by these regulations and this chapter. The Secretary may amend the forms at anytime to carry out the purposes of this chapter and these regulations.

Form 1
APPLICATION/RENEWAL FOR
LIQUOR WHOLESALER LICENSE

- 1. Applicant's Business Name: _____
- 2. Address: _____
- 3. Phone: _____ Fax: _____
- 4. Contact Person: _____
- 5. Type of Ownership: [] Individual [] Partnership [] Corporation
 [] Limited Liability Company [] Other: _____
- 6. Please submit the following information and documentation:
 - a. Copy of the applicant's New Mexico Wholesaler License
 - b. A certificate of good standing issued by the state, showing, as of the date of the application or renewal for license, that the New Mexico wholesaler is in compliance with the New Mexico Liquor Control Act;
 - c. A non-refundable application fee of Fifty Dollars (\$50.00);
 - d. An initial license fee of One Thousand Dollars (\$1,000.00), or, if the New Mexico wholesaler is renewing its liquor wholesaler license, a renewal license fee of Seven Hundred Fifty Dollars (\$750.00); and
 - e. A certificate of public liability insurance.

7. Applicant agrees, as a condition of licensing, to abide by the provisions of the Pueblo of Laguna Liquor Ordinance No. 300-86, as amended, and all regulations implementing this Chapter; understands that failure to adhere thereto or to no longer possess qualifications to hold a license may result in suspension or revocation of the license; and consents to the jurisdiction of the Pueblo of Laguna.
8. Applicant agrees to immediately notify the Pueblo Secretary of any change in its status as a New Mexico wholesaler or any actions taken by the State of New Mexico affecting its wholesaler's license issued by the state.
9. The undersigned acknowledges that he/she has read and understands the statements made herein, and that execution hereof is done voluntarily and by authorization of the applicant/organization, and that any false statement made on this application or any related document may result in the revocation of the license.
10. The undersigned hereby makes application to the Pueblo of Laguna for a liquor wholesaler license and certifies the information contained herein and attached hereto is true and correct.

Dated this _____ day of _____, 200__

Applicant

Authorized Signature

Name/Title

STATE OF _____

COUNTY OF _____

Subscribed & sworn to before me this _____ day of _____, 200__

Notary Public

Form 2
APPLICATION FOR
SPECIAL EVENT PERMIT

1. Name of Retailer: _____
2. Address: _____
3. Phone number: _____ Fax: _____
4. Contact Person: _____
5. Name of event: _____
6. Location of event: _____
7. Purpose of event: _____
8. Date(s) and hours of event: _____
9. Drink prices: _____
10. Expected Attendance: _____

11. Name of person or group catering the even (if different from Retailer):

- 12. a. Is there at least one location where those wanting to purchase alcoholic beverages must show proof of age? YES NO
- b. Are alcoholic sales and dispensing location(s) separate from food and non-alcoholic beverage concession locations? YES NO
- c. Are alcoholic beverages served in readily identifiable cups or containers distinct from those used for non-alcoholic beverages? YES NO
- d. Will only persons who possess alcohol server permits be selling and dispensing liquor by the drink at alcoholic sales and dispensing location(s) at the event? YES NO
- e. Will minors be attending the event? YES NO
- f. If minors may attend the event, will all dispensing and consumption of liquor by the drink in a designated, confined and restricted area where minors are not allowed without being accompanied by a parent or guardian, and where alcohol consumption may be closely monitored? YES NO Does not apply (no minors)
- g. Please provide a list of any additional control measures that will be taken at the event to reduce the possibility of minors being furnished alcohol and adults being over-served alcohol at the event (use a separate sheet of paper or drawing if necessary).

13. Please provide information about the security to be provided at the location where liquor by the drink will be served at the event:

14. The undersigned hereby makes application to the Pueblo of Laguna for a special event permit and certifies the information contained herein and attached hereto is true and correct.

Dated this _____ day of _____, 200__

Applicant/Retailer

Authorized Signature

Name/Title